



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

VIA U.S. MAIL AND EMAIL

AUG 14 2014

Kerry L. McGrath
Hunton & Williams LLP
2200 Pennsylvania Ave NW
Washington, DC 20037
KMcGrath@hunton.com

Re: Freedom of Information Act Request FOIA - EPA-R9-2014-006943

Dear Ms. McGrath:

This is the third response to your Freedom of Information Act request regarding:

1. Any and all documents related to the DMB Redwood City Salt Plant (also known as DMB Redwood City Saltworks project, Redwood City Saltworks project site, Redwood City salt production facilities, or Cargill operations in Redwood City) ["DMB Redwood City Salt Plant"] since January 1, 2014.
2. Any and all communications between EPA (all offices) and other parties, including but not limited to the Corps (all offices), the Department of the Army (all offices, including the Office of the Assistant Secretary of the Army for Civil Works), Congress (members and staff), other Executive Branch employees, and non-government third parties, related to the [DMB Redwood City Salt Plant] since January 1, 2014.
3. Any request (other than this letter) from any entity or person for any documents relating to the [DMB Redwood City Salt Plant] received on or after January 1, 2014, and all documents, communications, and records relating to such a request, including any response by EPA to that request.

We have uploaded the documents responsive to your request onto FOIA Online at:

<https://foiaonline.regulations.gov>.

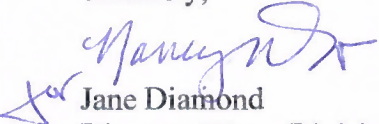
We are unable to provide you with the documents, or portions of documents, which have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b) (Exemptions 5 (deliberative process; attorney client privilege) and 6 (privacy)). An itemized list by categories of the withheld material along with the basis for withholding is provided on the enclosure to this letter. In addition, we have redacted a number of interagency documents because these specific records originated from outside our agency, *i.e.*, the U.S. Army Corps of Engineers, and we will refer those portions of the request to the Corps for a release determination pursuant to 40 CFR § 2.103(d)(2).

You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to

1301 Constitution Avenue, N.W., Room 6416J, Washington D.C. 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed and includes the assigned FOIA request number - EPA-R9-2013- EPA-R9-2014-006943). For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Please contact Rich Campbell in our Office of Regional Counsel at 415-972-3870 should you have any questions concerning this matter.

Sincerely,


for Jane Diamond
Director, Water Division

Enclosures

Itemized List by Categories of Withheld Material

Documents responsive to FOIA Request No. EPA-R9-2014-006943 but exempt from mandatory disclosure:

Document Description	Basis for Exemption	FOIA Exemption Number
Inter-agency pre-decisional communications messages and attachments thereto since 01/01/2014 (and undated material) between EPA staff and EPA legal counsel and Corps staff and Corps legal counsel concerning the DMB Redwood City Salt Plant. Approximately 200 documents.	<ul style="list-style-type: none">• Inter-agency deliberative process	Exemption (b)(5)
Intra-agency communications between EPA staff, and EPA attorneys, and draft memoranda, attorney notes, staff meeting notes, from 01/01/2104 concerning the DMB Redwood City Salt Plant. Approximately 35 documents.	<ul style="list-style-type: none">• attorney-client privilege• deliberative process	Exemption (b)(5)
Communications and records since 01/01/2014 that originated from outside EPA, i.e., the Corps of Engineers, which have been transferred to the Corps of Engineers for release determinations.	<ul style="list-style-type: none">• deliberative process	Exemption (b)(5)
Inter-agency, intra-agency, and external communications and records since 01/01/2014 containing personal privacy interests.	<ul style="list-style-type: none">• privacy	Exemption (b)(6)